

EXHIBIT 2



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September 13, 2022

By Email

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**Re: NSI International, Inc. v. Horizon Group USA, Inc.,
Case No. 1:20-cv-8389 (S.D.N.Y.)**

Dear Armin:

As you know, we represent Plaintiff NSI International, Inc. ("NSI" or "Plaintiff") in *NSI International, Inc. v. Horizon Group USA, Inc.*, No. 1:20-cv-8389 (S.D.N.Y.) (the "Action"). We write regarding deficiencies in Defendant Horizon Group U.S.A., Inc.'s ("Horizon") first production of documents dated Friday, June 24, 2022 (the "Production") in response to NSI's First Requests for the Production of Documents dated January 11, 2022 (the "Requests").

After a thorough review of the Production, it is clear that Horizon's Production, made very late (over five months after the Requests were served), is highly deficient and devoid of responsive documents. For example, the production includes almost 2,000 pages of entirely blank pages which are inexplicably marked Confidential. It also contains 600 pages of animal figurine catalogues that do not relate to this Action.

We will move to compel if Horizon does not supplement its production by Thursday, September 22nd to resolve the deficiencies in this letter. We would be happy to discuss our position with you by phone if you believe that would be helpful. If so, we would like to have that call no later than Tuesday, September 20th. Please provide your availability if you believe a call would be worthwhile.

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I. Horizon's Deficient Production

Horizon's Production consisted of 1,191 documents, which comprises 6,696 pages. None of the documents produced relate to the Discovery branded STEM Kits packaging in white boxes (the "Accused Products"). Horizon's Production includes only 145 documents that relate to STEM toy kits at all.

Horizon produced 497 documents relating to its STMT Kit line and Wooden Garden Kit line. Those are mentioned in the Second Amended Complaint as examples of products for which Horizon believes it has trade dress rights, but they are only tangentially related to the core issues of this case, which do not involve those products.

Horizon produced 502 documents relating to products that are not relevant to this case at all (Slime kits and LOL Dolls, etc.) and which were not at all referenced in any version of the Complaints. These documents were not sought in any of NSI's Requests. These documents were clearly included to create the false appearance of a fulsome production.

Horizon produced no documents related to the creation of the Accused Products and its packaging. These documents are responsive to at least document Request numbers 4-11. Relevant documents that would likely be in Horizon's possession custody and control would include, for example, product specification sheets, packaging specification sheets or files, and QA/QC specifications.

II. Entirely Blank Pages Marked Confidential

Fully 30% of Horizon's Production (1,991 out of 6,696 pages produced) consist of pages that are entirely blank, but marked as "Confidential". A list of the bates numbers for the blank production pages is attached as **EXHIBIT 1**. There is of course no legitimate basis for marking a blank page as "Confidential".

Nor was there any basis for Horizon to produce blank pages with information presumably redacted. We previously agreed to keep all documents as "attorney's eyes only" until we negotiated a confidentiality agreement. The subject matter of this lawsuit involves business information for both parties. If Horizon believes that requested documents are confidential, those documents should be produced in full subject to an appropriate confidentiality designation.

III. Failure to Produce Emails

Horizon only produced thirty-one emails, all of which relate to jewelry kits. (See H590, H594, H597, H598-599, H600, H603-605, H606-607, H608-611, H613-618, H2902, H2908, H2909, H2910-2911, H2912-2913, H2917-2918, H2926-2930, H2932, H2939, H2941, H2966, H2969, H2972, H2975,

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H2978, H2993, H2994, H2997, H2999, H3052, H3059, H3872). Horizon produced documents in relation to the development of the jewelry kits, their packaging, and enforcement of alleged infringements, yet no such documents were produced concerning the Accused Products. The emails regarding jewelry kits show that Horizon has a process in place for its products and the same type of process obviously was conducted with regard to the Accused Products.

Horizon identified Ms. Hiu Lee, Senior Executive of Merchandising, Marketing and Product Development in its Initial Disclosures as a person with knowledge of Horizon's "accused products, pricing, advertising, distribution and sales thereof; the purported facts and circumstances underlying Plaintiff's allegations set forth in Second Amended Complaint; and the facts and circumstances underlying Defendant's statements, positions and defenses set forth in Defendant's Motion to Dismiss and Answer, Affirmative Defenses and Counterclaims (to be filed)." Yet, Horizon produced only two emails with Ms. Lee and neither involved an Accused Product. (See H603, H3872.)

It is apparent that you have not searched the emails of all relevant custodians, including Ms. Lee. Custodians who are likely to have documents relevant to the Accused Products, identified from Horizon's production, are listed below. Such documents are responsive to at least document Request numbers 6, 7, and 13. Please confirm that each of their emails was searched for documents requested concerning the Accused Products.

- Alexandra Meyer, Senior Creative Development Director - Activity Kits (H597, H603, H606, H2902, H2908, H2909, H2910, H2939, H2941, H2966, H2969, H2972, H2975, H2978, H2993, H2994, H2997, H2999, H3052, H3059)
- Audrey Black, Senior Creative Lead (H594, H597, H598)
- Baron Huang, Senior Quality & Engineering Manager (H608, H613)
- Brent Levy, Junior Designer - Activity Kits (H594)
- Brittlyn (Bucknam) Wiedwald, Senior Graphic Designer (H2926, H2932, H2969, H2972, H2994)
- Cherry Wang, Package Team (H598, H600)
- Christine Bucher, Senior Merchandising Director (H590, H594, H598, H608, H613, H2912, H2917, H2926, H2941)
- Dana Ma, Craft Package Team Shanghai (H2926)
- Danielle Slater, Senior Product Manager (H590, H613)
- Darleen Ma (H2926)
- Deb Derby, President (H603, H2902)
- Dennis Zhao (H608)
- Desiree Cecere, Product Development Manager - Activity Kits (H2908, H2909, H2910, H2912)
- Diana Castellanos, Senior VP Marketing (H608, H613, H2908, H2941, H2978, H2993, H2994, H2997, H2999, H3052, H3059)

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- Echo Cao (H2926)
- Emmanuel Valdez (H613)
- Evan Buzzerio, Chief Strategic Officer & Partner (H603, H2902, H2908)
- Heady Wu, Senior Merchandise Manager (H2912)
- Hiu Lee, Chief Marketing Officer (H603, H3872)
- Icerin Qu (H600)
- Jaime Vasconcellos, Freelance Illustrator (H2912)
- Jane Zhang (H600)
- Jean Shipley, Executive Support to President & CFO (H3872)
- Jennifer Abele, Senior Director of Sourcing, Director of Marketing Operations (H608)
- Jenny Chen (H2926)
- Joy Giao (H2926)
- Joy Shen, Marketing Kit Dept. Shanghai (H613, H2912)
- Katie Birney (H590, H598, H600, H613)
- Kelly Lehman, Director of Merchandising, Product Manager (H3872)
- Lindsey Slagle (H2917)
- Lyndsay Hoffmann, Designer (H590, H2912, H2917)
- Maggie Montgomery, Product Manager - Activity Kits (H2912, H2917, H2926)
- Megan Bailey, Design Director (H590, H2912, H2917, H3052)
- Michael Heyer, VP Supply Chain (H608)
- Purple Gong (H2926)
- Rita Ling (H600)
- Ruthy Yang, Marketing Director (H590, H594, H608, H613, H2993)
- Siddharth Gulati, Design Engineer (H608, H613)
- Terry Clarke (H608)
- Wynn Zhi, Kits Package Team (H600)

IV. Failure to Produce Mood Boards for the Accused Products

Horizon produced inspiration documents or mood boards for STMT kits (H2979-2992, H3028-H3051), but none for the Accused Products. These inspiration documents or mood boards would be responsive to at least document Request numbers 4 and 5. Please search for documents related to the inspiration of the Accused Products and produce all responsive documents by September 22, 2022.

V. Deficiencies with Regards to Specific Document Requests

DOCUMENT REQUEST NO. 1: All Documents identified or referred to in Horizon's initial disclosures pursuant to Fed. R. Civ. P. 26, served on December 10, 2021.

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Horizon identified the following categories of documents in its Initial Disclosures, dated December 10, 2021, which are located at Horizon's offices:

- 1) Documents concerning the facts and circumstances underlying Defendant's statements, positions and defenses set forth in Defendant's Motion to Dismiss and Answer, Affirmative Defenses and Counterclaims (to be filed);
- 2) Documents concerning the purported facts and circumstances underlying Plaintiff's allegations set forth in the Second Amended Complaint;
- 3) Documents concerning the facts and circumstances underlying Plaintiff's statements and positions set forth in Plaintiff's Answer to Defendant's Counterclaims (to be filed); and
- 4) Documents concerning the design, manufacturing, distribution, promotion, and sale of the accused products.

These categories are particularly important since Horizon has produced no documents related to any STEM Kits with white boxes, including the Accused Products.

DOCUMENT REQUEST NO. 2: All Documents identified or referred to in answering any Discovery Request served on Horizon in this Action.

NSI's Interrogatory Request Number 9 states: "Identify the total revenue and expenses associated with the sale of Horizon's Discovery-branded STEM kits, including Horizon Kits bearing the Disputed Packaging, in the United States by SKU per year and per month in US Dollars."

Horizon objected, stating, "In accordance with Federal Rule of Civil Procedure 33(d), Defendant will produce documents from which the burden of deriving or ascertaining the answer to this Interrogatory is substantially the same for Plaintiff as for Defendant."

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 3: All Documents Concerning Discovery's relationship with Horizon, Including but not limited to licensing agreements or contracts related to Horizon's use of the DISCOVERY name in connection with Horizon's STEM kits.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 4: All Documents Concerning the creation, design and/or development of each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits. The response to this Document Request should include all materials from which the creator(s) drew inspiration, and any

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investigations, market or consumer research reports, clearance reports, search reports, pitches, proposals, studies or opinions.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 5: All Documents Concerning the creation, design and/or development of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging. The response to this Document Request should include all materials from which the creator(s) drew inspiration, and any investigations, market or consumer research reports, clearance reports, search reports, pitches, proposals, studies or opinions.

Horizon has produced only the following bates numbers responsive to this Request: H3846, H3852, H3853, H3854, H3857-3864, H3866-3869, H3898-3904, H4495, H5538, H5633-5638. However, the above listed documents only identify the prior darker packaging and not the Disputed Packaging with the white background.

DOCUMENT REQUEST NO. 6: Documents sufficient to identify the Person(s) responsible for the creation, design and/or development of each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 7: Documents sufficient to identify the Person(s) responsible for the creation, design and/or development of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 8: Documents sufficient to Identify the Date(s) of creation of each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 9: Documents sufficient to Identify the Date(s) of creation of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 10: All Documents Concerning Discovery's involvement with the creation, design and/or development of each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits.

Horizon has not produced any documents in response to this Request.

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DOCUMENT REQUEST NO. 11: All Documents Concerning Discovery's involvement with the creation, design and/or development of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 12: All Documents Concerning Horizon's selection, approval and/or adoption of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging. The response to this Document Request should include any investigations, market or consumer research reports, clearance reports, search reports, pitches, proposals, studies or opinions.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 13: All Documents sufficient to identify the Person(s) responsible for the selection, approval and/or adoption of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 14: All Documents Concerning Discovery's involvement with the selection, approval and/or adoption of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Disputed Packaging.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 15: All Documents Concerning changes or modifications to the packaging, and/or any element thereof, of the packaging of each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits, from the first version to each additional version, Including but not limited to Documents evidencing the reasons why Horizon adopted or changed the packaging and/or any element thereof.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 16: All Documents Concerning Your actual or contemplated advertising, marketing, and/or promotion of the Horizon STEM kits in the Discovery line of kits, Including the form(s) of media and geographic region(s) in which such advertising, marketing, and/or promotion is or may be distributed.

Horizon has produced only the following documents responsive to this Request: H1089-1123, H1126-1209, H1210-1333, H3411-3437, H3690, H3691, H3692, H3693, H3694, H3706-3721, H3753-3756, H3757-3830, H3832-3844, H4470, H4528, H5510, H5511. However, none of these documents

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concern marketing of the Accused Products and instead concern marketing of the prior STEM kits with dark packaging that are not at issue in this lawsuit.

DOCUMENT REQUEST NO. 17: Documents sufficient to identify Persons employed, retained, or engaged by Horizon to advertise, market and/or promote each Horizon STEM kit in the Discovery line of kits, Including the Horizon Kits.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 18: A representative exemplar of each advertisement, marketing or promotional material created and/or disseminated by or on Your behalf in which the Disputed Packaging appears.

Horizon has not produced any documents in response to this Request. As stated in response to Document Request No. 16, none of the produced documents demonstrate marketing of the Accused Products and instead demonstrate marketing of the prior STEM kits with dark packaging that are not at issue in this lawsuit.

DOCUMENT REQUEST NO. 19: Documents sufficient to demonstrate Horizon's use of the Disputed Packaging in Commerce in connection with STEM kits, Including the length and nature of use.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 20: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Crystal Growing Kit bearing the Disputed Packaging and each prior and subsequent version of the packaging for that kit.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 21: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Gemstone Dig Kit bearing the Disputed Packaging and each prior and subsequent version of packaging for that kit.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 22: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Glowing Volcano Kit bearing the Disputed Packaging and each prior and subsequent version of packaging for that kit.

Horizon has not produced any documents in response to this Request.

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DOCUMENT REQUEST NO. 23: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Crystal Aquarium Kit bearing the Disputed Packaging and each prior and subsequent version of packaging for that kit.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 24: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Prehistoric Sea Creatures Kit bearing the Disputed Packaging and each prior and subsequent version of packaging for that kit.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 25: Documents sufficient to Identify the Date of first use in Commerce of Horizon's Propulsion Rocket Kit bearing the Disputed Packaging and each prior and subsequent version of packaging for that kit.

Horizon has not produced any documents in response to this Request.

DOCUMENT REQUEST NO. 26: Documents sufficient to Identify the Date on which Horizon's Crystal Growing Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 20. Horizon, however, has not produced any documents in response to this Request or Request No. 20.

DOCUMENT REQUEST NO. 27: Documents sufficient to Identify the Date on which Horizon's Gemstone Dig Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 21. Horizon, however, has not produced any documents responsive to this Request or Request No. 21.

DOCUMENT REQUEST NO. 28: Documents sufficient to Identify the Date on which Horizon's Glowing Volcano Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 22. Horizon, however, has not produced any documents responsive to this Request or Request No. 22.

DOCUMENT REQUEST NO. 29: Documents sufficient to Identify the Date on which Horizon's Crystal Aquarium Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 23. Horizon, however, has not produced any documents responsive to this Request or Request No. 23.

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DOCUMENT REQUEST NO. 30: Documents sufficient to Identify the Date on which Horizon's Prehistoric Sea Creatures Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 24. Horizon, however, has not produced any documents responsive to this Request or Request No. 24.

DOCUMENT REQUEST NO. 31: Documents sufficient to Identify the Date on which Horizon's Propulsion Rocket Kit was first offered for sale.

You objected to this Request as duplicative of Request No. 25. Horizon, however, has not produced any documents responsive to this Request or Request No. 25.

DOCUMENT REQUEST NO. 32: All Documents Concerning the offering for sale and/or sale of the Horizon STEM kits in the Discovery line of kits, Including each Horizon Kit containing the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 33: All Documents Concerning the distribution of the Horizon Kits, Including importation activities, attempts to acquire distributors, contracts, business plans, or forecasts.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 34: All Documents Concerning Licenses Relating to the Horizon Kits or the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 35: Documents sufficient to Identify the number of units sold and total gross and net sales of the Horizon STEM kits in the Discovery line of products, Including the Horizon Kits, in the United States, measured in US Dollars and segregated by year and month and by product, from the Date of launch to the present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 36: All Documents Concerning the sale and/or offering for sale of the Horizon Kits from launch through the present, Including purchase orders, receipts, sales orders, invoices, contracts, agreements, price lists, bills of sale, and Documents of a similar nature.

Horizon objects to Request No. 36 on the basis that it is overbroad unduly burdensome to the extent that it seeks "[a]ll Documents Concerning the sale and/or offering for sale of the Horizon Kits from launch through the present" and not within Horizon's custody or control. Horizon did not agree to produce documents subject to these objections.

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Documents responsive to this Request are clearly relevant to this case, at least regarding the issue of damages, and in particular, Horizon's costs of producing the Accused Products and associated packaging. We are willing to discuss with you a mutually-agreeable and manageable response to this Request, but Horizon's complete refusal to produce any responsive documents is not appropriate or permissible under any applicable rule.

DOCUMENT REQUEST NO. 37: All Documents Concerning financial expenditures incurred in connection with the creation, design, development, selection, approval and/or adoption of Horizon Kits.

Horizon objects to Request No. 37 on the basis that it is "irrelevant as it pertains to expenditures in connection with the products themselves when only the packaging is the subject of this litigation" and overly broad and unduly burdensome to the extent that it seeks "[a]ll Documents." Horizon did not agree to produce documents subject to these objections.

Documents responsive to this Request are clearly relevant to this case, at least regarding the issue of damages, and in particular, Horizon's costs of producing the Accused Products and associated packaging. We are willing to discuss with you a mutually-agreeable and manageable response to this Request, but Horizon's complete refusal to produce any responsive documents is not appropriate or permissible under any applicable rule.

DOCUMENT REQUEST NO. 38: All Documents Concerning financial expenditures incurred in connection with the creation, design, development, selection, approval and/or adoption of the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 39: All Documents Concerning financial expenditures incurred in connection with the advertising, marketing, and/or promotion of the Horizon Kits, Including advertising, marketing and promotion that shows the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 40: All Documents Concerning financial expenditures incurred in connection with the distribution of the Horizon Kits.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 41: All Documents Concerning financial expenditures incurred in connection with the cost of goods sold in connection with the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

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DOCUMENT REQUEST NO. 42: Documents sufficient to identify the price Horizon charges or has charged its resellers and distribution partners for the Horizon STEM kits in the Discovery line of products, including the Horizon Kits, from launch to the present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 43: All Documents Concerning comparisons of any Horizon STEM kit in the Discovery product line to any NSI Kit

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 44: All Documents Concerning comparisons of any features of any Horizon STEM kits in the Discovery product line to the features of any NSI Kit.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 45: All Documents Concerning comparisons of any data, including but not limited to sales data, market analysis, and/or pricing analysis of any Horizon STEM kit in the Discovery product line to any NSI Kit.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 46: All Documents containing market research about why customers buy the Horizon Kits.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 47: All Documents Concerning any Instances of Confusion.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 48: All Documents Concerning any likelihood of confusion, mistake and/or deception as to the affiliation, association, or other connection between NSI and Horizon, and/or as to the source or sponsorship of goods or services originating with NSI or Horizon.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 49: All Communications directed to Horizon Concerning NSI and/or NSI's goods and services, including any social media comments, e-mails, mail, and/or telephone calls.

Horizon has not produced any documents responsive to this Request.

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DOCUMENT REQUEST NO. 50: All Documents Concerning any statement, inquiry, comment or feedback by Horizon regarding the similarity between the Disputed Packaging and the NSI Trade Dress and/or the packaging of the NSI Kits.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 51: All Documents Concerning Horizon's knowledge of third party STEM kits.

Horizon objects to this Request as irrelevant and did not state that it would produce documents responsive to this Request, subject to its objections. Nonetheless, Horizon's Production does include documents responsive to this Request (*see e.g.*, H6437, H6448). In any event, this Request is relevant because characteristics of third party STEM kits go directly to the credibility of Horizon's defense that NSI's trade dress is functional and all such documents should be produced.

DOCUMENT REQUEST NO. 52: All Documents Concerning any Due Diligence, market study, consumer survey, or similar analysis (formal or informal) directed at evaluating consumer recognition and/or perception of the NSI Trade Dress and/or the packaging of the NSI Kits.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 53: All Documents Concerning any Due Diligence, market study, consumer survey, or similar analysis (formal or informal) directed at evaluating consumer recognition and/or perception of the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 54: All Documents Concerning any Due Diligence relating to the actual and/or intended consumers of the Horizon STEM kits offered in the Discovery line of products or the NSI Kits, Including characteristics, shopping habits and patterns with respect to their purchases, and/or other demographic information about the consumers.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 55: Documents sufficient to show all Channels of Trade through which the Horizon STEM Kits offered in the Discovery line of products are sold or offered for sale, Including the stores or retailers in which the Horizon Kits are sold or advertised.

Horizon has not produced any documents responsive to this Request.

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DOCUMENT REQUEST NO. 56: Documents sufficient to show the retail stores in which both the Horizon STEM Kits in the Discovery line of products and the NSI Kits were or are offered for sale or advertised, whether at the same time or different times.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 57: All Documents Concerning efforts to obtain, secure, and/or maintain registration of the Disputed Packaging with the U.S. Copyright Office, the U.S. Patent & Trademark Office, or the intellectual property office in any jurisdiction, Including applications, renewals, declarations, statements of use, and/or statements of intent to use.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 58: Any trademark or trade dress search, clearance report or similar analysis Concerning the Disputed Packaging, and all other Documents relating thereto.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 59: Any trademark or trade dress search, clearance report or similar analysis Concerning the NSI Kits or NSI Trade Dress, and all other Documents relating thereto.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 60: All Documents Concerning any research or business intelligence gathering Horizon conducted on NSI, the NSI Kits and/or NSI Trade Dress.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 61: All Documents Concerning any policies, design guidelines or other guidelines that Horizon follows, Including any guidelines promulgated by Discovery, that relate to the Disputed Packaging or the Horizon Kits.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 62: Any Documents Concerning any Due Diligence performed by or on behalf of Horizon regarding the Disputed Packaging prior to the adoption of the Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 63: All Documents Concerning any trade dress watch or surveillance notices received by Horizon Concerning the Horizon Kits or Disputed Packaging.

Horizon has not produced any documents responsive to this Request.

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DOCUMENT REQUEST NO. 64: All Documents Concerning any claims of intellectual property infringement made against Horizon, Including any settlement(s) reached.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 65: Representative sample of all versions of the packaging of the Crystal Growing Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 66: Representative sample of all versions of the packaging of the Gemstone Dig Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 67: Representative sample of all versions of the packaging of the Glowing Volcano Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 68: Representative sample of all versions of the packaging of the Crystal Aquarium Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 69: Representative sample of all versions of the packaging of the Prehistoric Sea Creatures Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 70: Representative sample of all versions of the packaging of the Propulsion Rocket Horizon Kit sold in Commerce from launch to present.

Horizon has not produced any documents responsive to this Request.

DOCUMENT REQUEST NO. 71: Representative sample or color photograph of STEM kits ever sold by Horizon on which the NSI Trade Dress, as defined by NSI, has not been used.

Horizon has produced a few documents responsive to this Request, but none depicting the Accused Product packaging with white boxes. Given NSI's knowledge from public sources of how many different iterations of STEM kits Horizon has offered with different packaging, it seems clear that there must be more.

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DOCUMENT REQUEST NO. 72: Any Documents Concerning Your Document retention policy(ies), Including the backup of servers, and the archiving and/or destruction of data or Documents.

Horizon has not produced any documents responsive to this Request. Please either produce such policies or state that no such policies exist.

DOCUMENT REQUEST NO. 74: All Documents, Including internal Communications within Horizon, Communications between Horizon and any third parties and Communications between third parties in Horizon's possession, Concerning NSI, the NSI Kits, and/or the NSI Trade Dress.

Horizon has not produced any documents responsive to this Request. Given that the Accused Products are all based upon NSI's trade dress, responsive documents clearly exist.

DOCUMENT REQUEST NO. 75: All Documents, Including internal Communications within Horizon, Communications between Horizon and any third parties and Communications between third parties in Horizon's possession, Concerning this Action.

Horizon has not produced any documents responsive to this Request.

VI. Deficiencies with Regard to Specific Interrogatories

As a threshold matter, Horizon objects to Interrogatory Numbers 3, 6 and 8 as irrelevant to the extent they seek "information regarding persons, entities, or products that are not the subject of this litigation as Plaintiff has accused only six of Horizon's kits—the remaining of Horizon's Discovery-branded STEM kits are not the subject of this lawsuit." This objection is unfounded. The remaining Horizon's Discovery-branded STEM kits are relevant to the lawsuit because the evolution of the packaging of the kits in the entire line is relevant to Horizon's bad faith adoption of the NSI Trade Dress.

INTERROGATORY NO. 1: Identify all Persons with knowledge concerning the design, development and/or creation of each Horizon Kit.

Horizon identifies Ms. Lee, and claims that the Request is overly broad and unduly burdensome to the extent it requests "all Persons with knowledge concerning the design, development and/or creation of each Horizon Kit." Without addressing the appropriateness of your objection to "all persons," NSI is entitled to the identity of the persons with knowledge concern "each" Horizon Kit. Horizon's existing production includes emails to and from several other employees who have design and development responsibilities at Horizon, such as Alexandra Meyer, Senior Creative Development Director - Activity Kits; Maggie Montgomery, Product Manager - Activity Kits; and Desiree Cecere, Product Development Manager - Activity Kits. Yet, none of the individuals on those emails except Ms. Lee is mentioned in response to this interrogatory. Please update this interrogatory response to name

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all persons with knowledge of the design, development and/or creation of each Horizon Kit. Please provide an updated response to Interrogatory No. 1 by September 22, 2022.

INTERROGATORY NO. 2: Identify all Persons with knowledge concerning the design, development, creation, selection and adoption of the packaging for each Horizon STEM Kit in the Discovery line of kits, including each Disputed Packaging.

Horizon's objects to this Request as duplicative of Interrogatory No. 1, overbroad and unduly burdensome, and as irrelevant to the extent it seeks information on the packaging for products that are not the subject of this litigation as Plaintiff has accused only six of Horizon's kits—the remaining of Horizon's Discovery-branded STEM kits are not the subject of this lawsuit.

Horizon Kits is defined as "Horizon's STEM kits at issue in the Action bearing the Disputed Packaging." Horizon's objection is ironic considering it has produced practically no documents related to the six Horizon STEM kits named in this lawsuit. Horizon would be hard pressed to deny the relevance of the identity of the person(s) with knowledge concerning the design, development, creation, selection and adoption of the packaging for each Horizon Kit. Please provide an updated response to Interrogatory No. 2 by September 22, 2022.

INTERROGATORY NO. 9: Identify the total revenue and expenses associated with the sale of Horizon's Discovery-branded STEM kits, including Horizon Kits bearing the Disputed Packaging, in the United States by SKU per year and per month in US Dollars.

Horizon relies on documents pursuant to Rule 33(d). However, no such documents have been produced. Please identify the bates numbers of documents containing this information, or update this Interrogatory immediately to provide the requested information. To the extent you plan to continue to rely on Rule 33(d), produce documents responsive to this Request by September 22, 2022.

VII. Deficiencies with Regard to Specific Requests for Admission

REQUEST NO. 3: Admit that Discovery has the authority to dictate certain design elements of the packaging of Horizon's STEM kits.

Horizon's Response does not provide an answer. Horizon states it is in compliance with Discovery's design guidelines and it does not know how Discovery would respond if Horizon does not comply. The question was whether or not Discovery has the authority to dictate design elements of the packaging. Please amend your responses to answer this question by September 22, 2022.

REQUEST NO. 6: Admit that Horizon has sold STEM kits that do not have a white background on the product packaging.

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Horizon's Response does not provide an answer to the question posed. The question is simply whether or not Horizon has sold a STEM kit that does not have a white background. NSI notes there are images of Horizon STEM kits without white backgrounds pictured in the Complaint. Admit or deny this statement by September 22, 2022.

REQUEST NO. 9: Admit that Horizon has sold STEM kits that do not have 3-4 colorful shape icons containing or next to product descriptors on the product packaging.

Horizon's Response does not provide an answer to the exact question posed. The question is simply whether or not Horizon has sold a STEM kit that does not have 3-4 colorful shape icons. Horizon uses the phrase "several" instead of the requested 3-4. Admit or deny this statement by September 22, 2022.

REQUEST NO. 10: Admit that Horizon has sold STEM kits that do not have an image of the product or its components centered on the box and taking approximately 60-70% of the box space on the product packaging.

Horizon's Response does not provide an answer to the question posed. The question is simply whether or not Horizon has sold a STEM kit that does not have an image of the product or its components centered on the box and taking approximately 60-70% of the box space on the product packaging. Admit or deny this statement by September 22, 2022 or please provide times for a meet and confer by no later than September 13, 2022.

REQUEST NO. 11: Admit that Horizon has sold STEM kits that have one or more persons playing with the product on the product packaging.

Horizon's denies this Request. This denial is clearly in bad faith since Horizon advertises the following image of a Horizon STEM kit that has a person playing with the product on the product packaging. (See *also* H0001318).



Horizon Group USA, Our Products: STEAM, Discovery, <https://www.horizongroupusa.com/steam/>.

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Please amend the response to admit this Request for Admission by September 22nd, 2022 or please provide times for a meet and confer before September 20th, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Zinna", with a stylized flourish at the end.

Michael J. Zinna

cc: Jeremy Boczko

Armin Ghiam
September 13, 2022

EXHIBIT 1:
List of Blank Production Pages

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List of Animal Figurine Catalogues

H155-284, H1025-1088, H1334-1467, H1468-1513, H3061-3240, H3241-3345